

**MEETING OF THE NUECES RIVER AND CORPUS CHRISTI BAY AND
BAFFIN BAY BASIN AND BAY AREA STAKEHOLDERS COMMITTEE
(NUECES BBASC)**

**LIBRARY/COMMUNITY CENTER, 1101 CAMPBELL AVENUE,
JOURDANTON, TX**

FEBRUARY 22, 2012 10:00 A.M. – 3:00 P.M.

MINUTES

Members Present: Con Mims, Chair; Ray Allen; Tom Ballou; Richard Bowers; Paul Carangelo; Teresa Carrillo; J. Allen Carnes; George Driskill; Rocky Freund; Gus Gonzalez; Timo Hixon; Susan Lynch; Mike Mahoney; Joel Pigg; Don Roach (for Jim Naismith); Carola Serrato; Buddy Stanley; Wes Tunnell.

1. Call to order

Chairman Con Mims called the meeting to order.

2. Roll Call

Roll call was taken and a quorum was reached.

3. Public comment

Tyson Broad, Sierra Club, spoke to the group recommending against the use of proxies, noting it would have been difficult in the Guadalupe-San Antonio BBASC process if that group had allowed proxies. He reasoned that an issue proposed at the beginning of their meeting often looked considerably different by the time a vote was taken.

4. Approve Minutes

The minutes from the January 25, 2012 meeting were approved with slight revisions.

5. Comments from SAC liaison

None

6. Comments from Texas Commission on Environmental Quality

Cory Horan, TCEQ, reported that draft rules for the Guadalupe/San Antonio and Colorado/Lavaca environmental flow standards would be published soon. He encouraged members to familiarize themselves with these and other draft rules.

7. Discussion and appropriate action on amendment of Meeting Rules to allow proxies

The BBASC members considered a proposed amendment regarding the use of proxies. After discussion the members concluded the following: A proxy is a Member who is designated by an absent Member to represent the absent Member in a meeting for all matters including reaching consensus and voting. For quorum purposes, the absent Member is considered to be present by proxy and part of the quorum. If a Member wishes to be represented at a meeting by proxy, his/her proxy delegate must be made known to

the Chair by email or fax prior to the meeting. Oral requests for proxy designations will not be accepted. The written proxy designation should note the absent member's interest group so that stakeholder representation is documented; e.g. "I XXX, representing Agricultural Irrigation, hereby designate XXX as my proxy for the *Xmonth Xdate, 2012* meeting of the Nueces BBASC." A Member may not serve as the proxy delegate for more than two absent Members at a single meeting. By consensus the members approved the use of proxies according to the terms above.

8. Discussion and appropriate action on report from and recommendations of the Public Information/Education Program Subcommittee, including selection of a public education consultant

The members evaluated a proposal regarding a targeted public education and information program submitted by Don Rodman of the Rodman Company. By consensus the members approved the contract at a cost of \$12,500 to be funded by Port Industries and administered by the Coastal Bend Bays and Estuaries Program.

9. Approve creation and membership of an Education Committee

The BBASC formed a subcommittee to evaluate and advise the full BBASC on outreach and education issues. Subcommittee members include James Dodson (Chair), Jennifer Ellis, Don Roach, Ray Allen, Gus Gonzalez, Tom Ballou, Carola Serrato, and Terresa Carillo.

10. Report on modeling being commissioned by City of Corpus Christi

Member Ray Allen gave an update on the modeling subcommittee meeting held in Corpus Christi on February 17th at the Coastal Bend Bays & Estuaries Program office. The modeling subcommittee ran through various scenarios with the newly updated CCWSM. The various modeling scenarios runs were to determine impacts on safe yield under certain conditions (i.e. inserting the BBEST recommendations into the current reservoir operating plan, changing trigger levels at which BBEST recommendations would be activated, inclusion of an off channel reservoir, and adding in Garwood). Mr. Allen explained that this was a first time run at seeing how the BBEST recommendations would impact safe yield and that more detailed modeling work could now be focused on new strategies to benefit both the bay and M&I.

11. Review Scope of Work for Technical Support for Development of Nueces BBASC Recommendations Report (SOW), modify for clarification as needed, and authorize the Nueces BBASC Work Group to work with the technical consultant to accomplish the SOW with continuing guidance from the Nueces BBASC

It was noted that HDR Engineering, Inc. was willing to compile and draft the BBASC recommendations report. This task will cost between \$25,000 and \$30,000. The members will evaluate funding opportunities to support this work. The members agreed that the Nueces BBASC Work Group would support and direct the work of the technical consultants.

12. Discussion and appropriate action on drafting the BBASC's Recommendations Report, including responsibilities, schedule, procuring assistance, and funding

Following up on previous meetings there was further discussion on drafting the BBASC's recommendations report, including status updates, writing responsibilities, and scheduling.

13. Panel discussion on ramifications of the Nueces BBEST's declaration that the Nueces Bay and Delta region is an unsound ecological environment

There was a panel discussion on ramifications of the Nueces BBEST's declaration that the Nueces Bay and Delta region is an unsound ecological environment. The panelists were Tim Brown, whose clients include City of Corpus Christi; Mike Willatt, whose clients include San Patricio Municipal Water District and South Texas Water Authority; Colette Barron, Texas Parks and Wildlife Department; Myron Hess, National Wildlife Federation; Hope Wells, San Antonio Water System; and, Todd Chenoweth, Texas Commission on Environmental Quality.

There were four questions posed:

1. Can the BBEST declaration that the Nueces Bay and Delta are not in sound ecological condition affect the Choke Canyon Reservoir Certificate of Adjudication, the TCEQ approved Agreed Order for operating the Lake Corpus Christi/Choke Canyon Reservoir system, or the Nueces Estuary Advisory Council?
2. Does it encourage environmental lawsuits?
3. Does it preclude issuance of new water rights in the Nueces Basin?
4. What other consequences can it have?

Concerning panel response to Question 1: All agreed that the TCEQ could use the Agreed Order to "step in", but it could do that at any time, regardless of this declaration. No one felt it had any effect on the Certificate of Adjudication or NEAC.

Concerning panel response to Question 2: One said that law suits need no encouragement. All agreed that one needs a cause of action to have a lawsuit. This declaration is nothing more than new information. It is expert opinion. It can be used as evidence in a suit. But, it does not encourage a lawsuit.

Concerning panel response to Question 3: The declaration will not preclude issuance of new water rights. The ultimate environmental flow standards resulting from this process and adopted by TCEQ will determine issuance of new water rights.

Concerning panel response to Question 4: A consequence is that the declaration can become a persistent distraction to BBASC. No other consequences were noted.

14. Discussion and appropriate action on meeting schedule and agenda items for next meeting

The next meeting of the Nueces River and Corpus Christi and Baffin Bays will be held on March 28, 2012. The meeting will again be held at the Jourdanton Library and Community Center.

15. Public comment

There was no public comment at this time.

16. Adjourn